

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JAMES WEST

PLAINTIFF

v.

NO. 1:05CV18-D-D

ALCORN COUNTY SHERIFF'S DEPARTMENT, ET AL.

DEFENDANTS

JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated February 28, 2006, and the March 14, 2006, objections to the Report and Recommendation, the court finds that the defendants' objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated February 28, 2006, is hereby approved and adopted as the opinion of the court.

2. That the defendants' December 16, 2005, motion for summary judgment is

DENIED.

3. That this matter shall proceed to evidentiary hearing.

THIS, the 10th day of April, 2006.

/s/ Glen H. Davidson
CHIEF JUDGE